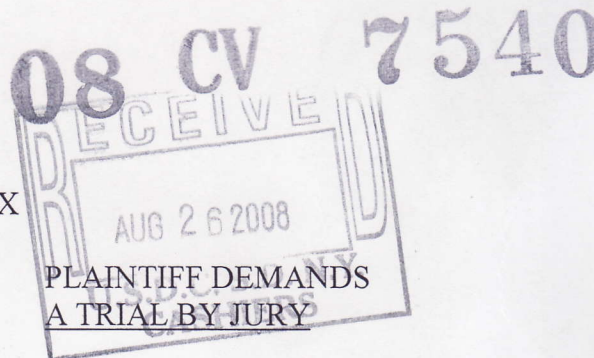


JUDGE BUCHWALD
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
RONALD SMITH,

Plaintiff,

-against-

MORAN TOWING CORPORATION

Defendant.
-----X

SEAMAN'S CASE UNDER
THE JONES ACT FOR
PERSONAL INJURIES

**SUITS UNDER SPECIAL RULE FOR SEAMEN TO SUE WITHOUT
SECURITY OR PREPAYMENT OF FEES FOR THE ENFORCEMENT OF THE
LAWS OF THE UNITED STATES, COMMON AND STATUTORY, FOR THE
PROTECTION OF AND FOR THE HEALTH AND SAFETY OF SEAMEN AT
SEA**

Plaintiff, complaining of the defendant, by his attorney, WERTHEIMER
ASSOCIATES, P.C., respectfully alleges on information and belief as follows:

FIRST COUNT

FIRST: Upon information and belief, at all times hereinafter mentioned,
the defendant Moran Towing Corporation, was a domestic company doing business in the
State of New York.

SECOND: At all times and dates hereinafter mentioned, the defendant Moran
Towing Corporation owned the barge TEXAS.

THIRD: At all times and dates hereinafter mentioned, the defendant Moran
Towing Corporation operated the barge TEXAS.

FOURTH: At all the times and dates hereinafter mentioned, the defendant
Moran Towing Corporation controlled the barge TEXAS.

FIFTH: At all times hereinafter mentioned, the plaintiff was a Tankerman
on the barge TEXAS and an employee of the defendant Moran Towing Corporation.

SIXTH: That on or about the 3rd day of September, 2005, without any fault on the part of the plaintiff, and wholly and solely by reason of the negligence, recklessness and carelessness of the defendant, its agents, servants and/or employees, and by reason of the unseaworthiness of its vessel, the plaintiff was caused to sustain injuries.

SEVENTH: As a result of the foregoing, the plaintiff was rendered sick, sore, lame, and disabled and sustained severe permanent personal injuries, was an is internally and externally disabled, causing him to suffer pain, and for a time he was prevented from attending to his daily labors, thereby losing sums of money which he otherwise would have earned as wages, and has endeavored to be cured of his injuries, and has expended sum of money to maintain himself, and will continue to endure pain and suffering, all to his damage.

EIGHTH: By reason of the foregoing, plaintiff has been damaged in the sum of FIVE MILLION (\$5,000,000.00) DOLLARS.

SECOND COUNT

NINTH: Plaintiff repeats and realleges each and every allegation of the FIRST COUNT designated FIRST through SEVENTH in this Complaint, as if fully set forth at length herein.

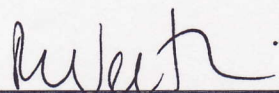
TENTH: Plaintiff is entitled to maintenance, cure and medical expenses for the period that he was disabled and unable to work in the total sum of FIVE HUNDRED THOUSAND (\$500,000.00) DOLLARS.

WHEREFORE, plaintiff demands judgment against defendant in the FIRST COUNT in the sum of FIVE MILLION (\$5,000,000.00) DOLLARS, and in the

SECOND COUNT in the sum of FIVE HUNDRED THOUSAND (\$500,000.00)
DOLLARS, together with the costs of this action.

Dated: New York, New York
August 25, 2008

WERTHEIMER ASSOCIATES, P.C.

By: 

Robin M. Wertheimer (RW-5065)
Attorneys for Plaintiff
225 Broadway, Suite 3800
New York, New York 10007